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Attorneys for Defendant
Kraft Foods Global, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ADRIANNE SMITH, as an individual and
on behalf of all others similarly situated,

Plaintiff,

v.

KRAFT FOODS GLOBAL, INC., a
Delaware corporation,

Defendant.

CASE NO. 07 CV 2192 BEN (WMC)

Assigned to Hon. Roger T. Benitez

**DEFENDANT KRAFT FOODS GLOBAL,
INC.'S NOTICE OF MOTION AND
MOTION TO DISMISS FIRST AMENDED
COMPLAINT**

[Filed concurrently with (1) Memorandum of
Points and Authorities in Support of Motion to
Dismiss First Amended Complaint and
(2) Request for Judicial Notice]

Date: May 19, 2008
Time: 10:30 a.m.
Place: Courtroom 3

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 19, 2008, at 10:30 a.m., or as soon thereafter as the
3 matter may be heard, in Courtroom 3 of the above-entitled Court, located at 940 Front Street, San
4 Diego, California 92101, Defendant Kraft Foods Global, Inc., will and hereby does move the
5 Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an Order dismissing Plaintiff's
6 First Amended Complaint in its entirety with prejudice.

7 Dismissal is appropriate because each of Plaintiff's causes of action fails to allege facts
8 sufficient to state a claim for relief against Defendant and because Plaintiff's entire First
9 Amended Complaint is preempted by federal food labeling regulations promulgated by the Food
10 and Drug Administration, 21 U.S.C. § 343(r).

11 This Motion is based upon this Notice of Motion and Motion, the accompanying
12 Memorandum of Points and Authorities in support, the pleadings, papers, and exhibits filed or
13 lodged in this action, all items which may be judicially noticed, all other matters that may
14 appropriately be presented to the Court, and any oral argument as may be presented at the hearing
15 of this Motion.

16 Dated: April 21, 2008

DLA PIPER US LLP

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18 s/Noah A. Katsell

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